IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5888 OF 2007

Shri Shamrao R. Nichat ...Petitioner

v/s

Union of India and ors. ...Respondents

Mr J.M. Puranik for Petitioner.

None for Respondents.

CORAM : D.K. DESHMUKH AND V.M. KANADE JJ.

DATE : 18TH DECEMBER 2007.

P.C. :-

1. By the original petition field before the Central Administrative Tribunal, the petitioner was claiming interest on commuted value of pension. The C.A.T. has held that as per law laid down by the supreme Court, an employee becomes entitled to interest on commuted value of pension if the delay in payment of pension is attributable to the Government. The C.A.T., after going through the record, has found that in this case delay has occurred due to loss of the document in transit. The learned counsel appearing for petitioner submitted that it is an admitted position that the delay is attributable to the Government, but after going through the record we find that there is no such admitted position. On the contrary, it was the case of the Government that immediately after 5th Pay Commission the document was sent but the document was lost in transit and therefore delay occurred. It is a finding of fact recorded by the C.A.T. that delay is not attributable solely to the Government. In view of this finding of fact, in our opinion, we cannot interfere with the order impugned. Petition is rejected.

. Parties to act on the copy of this order duly

authenticated by the Sheristedar / Private Secretary of the Court.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(V.M. KANADE J.)